



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

March 8, 2010

Richard A. Cohn, Chief  
Capacity Planning and Site Selection Branch  
Federal Bureau of Prisons  
320 First Street, NW  
Washington, D.C. 20534

Re: Draft Environmental Impact Statement (DEIS) - Use of Contractor-Owned/Operated Facility to House District of Columbia Sentenced Felons and Criminal Aliens, January 2010, CEQ# 20100013

Dear Mr. Cohn:

In accordance with the National Environmental Policy Act (NEPA) of 1969, Section 309 of the Clean Air Act and the Council on Environmental Quality regulations implementing NEPA (40 CFR 1500-1509), the U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the Use of Contractor-Owned/Operated Facility to House District of Columbia Sentenced Felons and Criminal Aliens. The proposed action involves awarding a contract to house up to 1,380 federal, low security, adult male, District of Columbia felons and criminal aliens within a contractor-owned/operated facility. Based on our review of the DEIS, EPA has rated the environmental impacts of the preferred alternative as "EC" (Environmental Concerns) and the adequacy of the impact statement as "2" (Insufficient Information). The basis for this rating is contained in the remainder of this letter. A description of our rating system can be found at: [www.epa.gov/compliance/nepa/comments/ratings.html](http://www.epa.gov/compliance/nepa/comments/ratings.html).

The DEIS examines three alternatives for the awarding of the contract. They are: the No-Action Alternative, which awards no contract; the Winton Alternative, which would utilize an existing facility located in Winton, North Carolina; and the Princess Anne Alternative, which would result in the construct a new facility located in Princess Anne, Maryland. A preferred alternative has not been selected. We have rated the Winton Alternative as "LO" (Lack of Objections). The Princess Anne Alternative has been rated "EC-2" (Environmental Concerns, Insufficient Information). The Princess Anne site is currently undeveloped, containing forest and agricultural land uses. Additional details on adverse impacts to aquatic resources, archeological resources, threatened and endangered species are needed to determine the full scale of potential impact.

Project need for action is to reduce prison overcrowding caused by a growth in the overall inmate population over the last thirty years. The purpose and need of the proposed project should be more clearly identified and discussed in more detail. The need for the action should identify and describe the underlying problem or deficiency; and facts and analyses should support



and describe the problem. The analysis should explain why the need for action is at this particular location and at this particular time. The purpose should be defined in relationship to addressing the need for action. While national inmate population trends were given, no D.C. regional specific data were included in support of this particular facility contract. Please include information on the regional inmate population and projected growth (overall and by security level), the number of regional facilities available, and a break down of facilities and space by security level. Information is also needed to show how the specific number of beds, security type, and the facility ownership/operatorship supports the project need. Based on information provided in the DEIS, the purpose and need does not clearly define why a prison is needed, and thus why a contract should be awarded.

An alternatives analysis should describe how each alternative addresses the needs of the proposed action. Without a clear purpose and need statement, analysis of alternatives is difficult. The DEIS states that a national solicitation for contract proposals was completed. Were more than two proposals received? A list of alternatives or contracts received but not included in for consideration in the DEIS, as well as the reason for their exclusion, should be included in the document. Describe other possible alternatives that were not included, for example considering a different ownership/operatorship type, and constructing facilities in other regions.

The DEIS lacks site-specific detail on existing environmental conditions and resources. Information should be provided on aquatic and terrestrial habitat and species; for example, size, function and value of wetlands, stream designations and quality. Effects of added impervious surface should be considered. Though resource avoidance is anticipated, temporary or indirect impacts should be discussed. Please see attached detailed comments.

An indirect and cumulative impact analysis for the proposed action should be conducted and included in the DEIS. Cumulative impacts can result from individually minor, but collectively significant, action taking place over a period of time. The Council on Environmental Quality in 40 CFR 1508.7 defines cumulative impacts as "impacts on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable action." Potential adverse impacts to the environment are not discussed or analyzed cumulatively with other past, present or reasonably foreseeable projects in the area. An assessment of these impacts should be an integral part of the EIS for the proposed action.

Please consider the additional questions and comments included as an attachment to this letter. We would appreciate the opportunity to discuss the comments at your convenience. Thank you for allowing EPA with the opportunity to review and comment on the DEIS for the Federal Bureau of Prisons. If you have questions regarding these comments, the staff contact for this project is Ms. Alaina DeGeorgio; she can be reached at 215-814-2741 or [degeorgio.alaina@epa.gov](mailto:degeorgio.alaina@epa.gov).

Sincerely,



Barbara Rudnick, NEPA Team Leader  
Office of Environmental Programs

Attachment

## Supporting Detailed Comments

- Explain how the designation of minimum and medium security level institutions as low security institutions impacts other security levels and how it relates to the need for this project.
- An annotated bibliography of several previous studies on the relationship of prisons and housing values dating from 1980-1995. While these studies may provide background, they do not address how housing values are expected to trend based on site specific data, specifically residential areas immediately adjacent to the proposed site.
- Provide documentation of correspondence with contacted local, state and federal officials. Specifically correspondence with Fish and Wildlife Service regarding threatened and endangered species should be included. This documentation should be included in an appendix to the document.
- Appendix C for the Princess Anne site contained an October 9, 2009 letter from Maryland Department of Natural Resources identifying that there was a Wetland of Special State Concern (WSSC) on the site. The DEIS did not include this information. Information should be provided to specifically identify and discuss aquatic resources found on site. If wetlands have special designations, such as WSSC, this information should be clearly stated and potential impacts to these resources should be addressed. Potential secondary impacts, for example from the construction of new infrastructure, to aquatic resources should be included in the document.
- Please provide more information regarding the SCSD reverse osmosis water treatment facility, including current and expected capacity, estimated water use for the Princess Anne facility. Clarify the water treatment plant's dependence on the construction of the prison, as well as if construction on the treatment plant has begun already. Impacts resulting from the treatment facility upgrades should be included in the indirect impact portion of the document.
- It is unclear how the proposed Princess Anne facility will affect traffic conditions. What is the current capacity and level of operation? Will street improvements be necessary to access the site?
- The document indicates that potential air impacts from operations at the Princess Anne site will be avoided by employing energy efficient design and construction techniques. Detail what green design and construction techniques are specifically being incorporated. Are low impact development techniques being used? Is the building going to be LEED certified or use LEED design principles? We recommend use of low impact development techniques (LID) to afford greater protection of aquatic resources on the site. LID is a natural approach to land development and stormwater management designed to reduce impacts on watershed hydrology and aquatic resources. Enhancements to site designs can result in significant reductions in stormwater quantity and quality impacts prior to the development of any structural stormwater practices on a site. For additional and more comprehensive information on LID, please refer to the following website: <http://www.epa.gov/nps/lid/>.



- Provide the distances from the Princess Anne site to nearby sensitive land uses or identify on a map. What is the estimated level of noise at the adjacent mobile home park during construction and operation of the facility?
- If the Winton site is not selected, will the facility continue to operate? Please provide more background into existing operations and the relationship of this facility to the prison system. Is Winton already part of the prison system? If so, how does the selection of this alternative meet the needs of the proposed project by providing additional bed space for the Bureau of Prisons?
- Communities surrounding both proposed location are areas of potential environmental justice concern. Potential impacts associated with the development of the Princess Anne Site should be assessed and clearly defined. Discuss measures that are being taken to mitigate any potential impacts. Include a discussion of public comment or concern, community involvement, or any other activity designed to actively or appropriately involve the potentially impacted populations. Provide documentation to support the statement that short and long term benefits to the surrounding community would occur. What are the unemployment rates for minority and low-income residents of these communities as opposed to the white populations? Is there a disparity in employment? How close are the proposed sites to areas of population, especially for the Princess Anne Site? The document indicates that there is a mobile home park immediately adjacent to the site. Has this population been given adequate consideration?

